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SENATE

{ REPORT
110-296

TULE LAKE SEGREGATION CENTER SPECIAL RESOURCE STUDY ACT

APRIL 10, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 1476]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1476) to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of establishing a unit of the National Park System, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tule Lake Segregation Center Special Resource Study Act”.

SEC. 2. STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the “Secretary”) shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(b) STUDY GUIDELINES.—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

- (1) Modoc County;
- (2) the State of California;
- (3) appropriate Federal agencies;
- (4) tribal and local government entities;
- (5) private and nonprofit organizations; and
- (6) private landowners.

(d) SCOPE OF STUDY.—The study shall include an evaluation of—

- (1) the significance of the site as a part of the history of World War II;

- (2) the significance of the site as the site relates to other war relocation centers;
- (3) the historical resources of the site, including the stockade, that are intact and in place;
- (4) the contributions made by the local agricultural community to the World War II effort; and
- (5) the potential impact of designation of the site as a unit of the National Park System on private landowners.

SEC. 3. REPORT.

Not later than 3 years after the date on which funds are made available to conduct the study required under this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

2. Amend the title so as to read: “A bill to authorize the Secretary of the Interior to conduct a special resource study of the Tule Lake Segregation Center in Modoc County, California.”.

PURPOSE

The purpose of S. 1476 is to authorize the Secretary of the Interior to conduct a special resource study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of designating the site as a unit of the National Park System.

BACKGROUND AND NEED

Tule Lake, located in Modoc County, California, was the largest and longest-lived of the ten internment camps built by the War Relocation Authority (WRA) to house the nearly 120,000 Japanese Americans relocated from the West Coast during World War II, pursuant to Executive Order 9066.

On February 19, 1942, President Franklin Roosevelt signed Executive Order 9066, which authorized the War Department to establish areas in the United States “from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion.” The War Department established Military Areas No. 1 and 2, which encompassed the western coastal States and the southern half of Arizona, from which Japanese Americans were forced to leave their homes. Initially voluntary resettlement to areas outside the exclusion zones was encouraged, but mandatory incarceration soon followed.

Tule Lake opened May 26, 1942, detaining persons of Japanese descent removed from western Washington, Oregon, and Northern California. With a peak population of 18,700, Tule Lake was the largest of the camps, and the only one turned into a high-security segregation center. In 1943, the Tule Lake facility was converted to a maximum security segregation center for evacuees deemed by the WRA to be “disloyal.” Tule Lake was the last internment site to close, on March 28, 1946. The site was designated as a National Historic Landmark by the Secretary of the Interior in 2006.

LEGISLATIVE HISTORY

S. 1476 was introduced by Senators Feinstein, Boxer, and Inouye on May 24, 2007. The Subcommittee on National Parks held a hearing on S. 1476 on September 27, 2007. (S. Hrg. 110–266.)

At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered S. 1476 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1476, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 1476 the Committee adopted an amendment in the nature of a substitute to make the study consistent with other National Park Service studies. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Tule Lake Segregation Center Special Resource Study Act”.

Section 2(a) authorizes the Secretary of the Interior to conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

Subsection 2(b) requires the study to be conducted in accordance with the criteria for National Park studies established under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

Subsection 2(c) requires the Secretary to consult with Modoc County, the State of California, appropriate Federal agencies, tribal and local government entities, private and nonprofit organizations, and private landowners.

Subsection 2(d) defines the scope of the study and provides that the study shall focus on the significance of the site as a part of the history of World War II, as the site relates to other war relocation centers, the stockade in its current condition, the contributions made by the local agricultural community to the World War II effort, and the potential impact of designation of the site as a unit of the National Park System on private landowners.

Section 3 states the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study not later than 3 years after the date on which funds are made available to conduct such study.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 1476—Tule Lake Segregation Center Special Resource Study Act

S. 1476 would direct the Department of the Interior to conduct a special resource study to determine the national significance of the Tule Lake Segregation Center, California, and the feasibility and suitability of including the site in the National Park System. The bill would require the department to report its findings and recommendations to the appropriate Congressional committees within three years of receiving funding for the study.

Assuming the availability of appropriated funds, CBO estimates that it would cost \$200,000 over the next three years to complete the required study and report. Enacting this legislation would not affect direct spending or revenues.

S. 1476 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Tyler Kruzic. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1476. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1476, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1476, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the September 27, 2007, Subcommittee hearing on S. 1476 as follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1476, a bill to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of establishing a unit of the National Park System.

The Department supports this legislation with amendments described later in this statement. The study authorized by S. 1476 would provide the opportunity to evaluate options for preserving and interpreting the largest and most heavily guarded of the ten internment camps where

Japanese American citizens from west coast states were forced to live during World War II under Executive Order 9066. However, the Department feels that priority should be given to the 37 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to the Congress.

Tule Lake, which housed more than 18,000 internees at its peak, was the only internment camp that was converted to a maximum-security segregation center for evacuees from all the relocation centers who resisted internment. It was the only camp that had its own jail. It had the most guard towers and the largest number of military police of any of the camps. During its operation, the center was the site of several acts of resistance and declarations of martial law and military control.

The Tule Lake site features more surviving historic features and resources in original locations than all of the other former internment camps combined. The original jail structure is, for the former internees, the most significant symbol of internment anywhere in the United States. In 2006, the Secretary of the Interior designated 42 acres of the Tule Lake Segregation Center as a National Historic Landmark. The designation confirmed the national significance of the site, one of the key criteria a resource must meet to be considered an appropriate candidate for establishment as a unit of the National Park System. The work done on the nomination for National Historic Landmark designation would provide a foundation for the study that would be authorized by S. 1476.

The National Park Service administers two sites that were used as internment camps for Japanese Americans during World War II: Manzanar National Historic Site, in central California, which was authorized by Congress in 1992, and Minidoka Internment National Monument, in southern Idaho, which was established by presidential proclamation in 2001. However, neither site has the unique historic resources or story that Tule Lake has as the only designated segregation center among the ten internment camps.

The study would evaluate the site according to criteria provided by law to determine whether it is appropriate for addition to the National Park System, or whether it is better suited to protection by another entity. In carrying out the study, the National Park Service would work closely with the Bureau of Reclamation, the Bureau of Land Management, and the California Department of Transportation, which are the primary land managers, as well as private land owners in the area, local agencies, and groups interested in the preservation of Japanese American internment sites, including the Tule Lake Committee. The study would cost an estimated \$150,000 to \$200,000.

S. 1476 provides for the study to be completed within one year after funds are made available for it. We recommend that the bill be amended to provide for the study to be completed within three years after funds are made available, which is the standard time frame for conducting special resource studies. We would also like to work with the committee to simplify the language of S. 1476 in several places.

Mr. Chairman, that concludes my testimony. I would be pleased to answer any questions that you or other members of the committee might have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1476, as ordered reported.

